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CENTRAL FAX CENTERIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re United States Patent Application of:	)	Docket No.:	4240-149
Applicants:	)	Conf. No.:	7380
Application No.:	)	Art Unit:	1646
Date Filed:	)	Examiner:	Elizabeth C. Kemmerer, Ph.D.
Title:	)	Customer No.:	
BONE GRAFT AND	)		
SCAFFOLDING MATERIALS	)		
IMMOBILIZED WITH	)		
OSTEOGENESIS	)		
ENHANCING PEPTIDES ON	)		
THE SURFACE	)		

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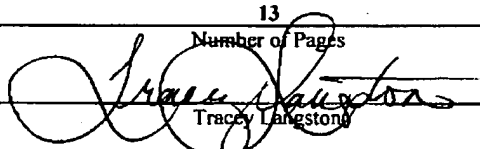
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Fax No. (571) 273-8300

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Number of Pages



Tracey Langston

May 21, 2008

Date

RESPONSE TO APRIL 21, 2008 RESTRICTION REQUIREMENT IN  
U.S. PATENT APPLICATION NO. 10/593,430

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Commissioner for Patents  
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Sir:

### **Election of Species Requirement**

Claims 1-22 are pending and have been made subject to an Election of Species Requirement. Applicants were required to elect a species in three different parts of the claims, each of which is discussed separately below. Applicants respectfully traverse the requirement, as discussed below, but have made an election as required.

The claims are not amended herein, but are reproduced in an Appendix for the Examiner's ease of review.

### **Part I – Cell Adhesion-including peptide and/or tissue growth factor-derived peptide**

Applicants were required to select one, or a specific combination, of the proteins listed in Claim 4 or Claim 13.

Applicants select a specific combination of proteins, namely, the peptides obtained from bone morphogenetic protein (BMP). That is, Claim 4 lists (a) the amino acid sequence at positions 2-18 of each of bone morphogenetic proteins (BMP)-2, 4 and 6 [SEQ ID NO: 3 for BMP-2, SEQ ID NO: 4 for BMP-4, and SEQ ID NO: 5 for BMP-6]; the amino acid sequence at positions 16-34 of BMP-2 (SEQ ID NO: 6), the amino acid sequence at positions 47-71 (SEQ ID NO: 7), the amino acid sequence at positions 73-92 (SEQ ID NO: 8), the amino acid sequence at positions 88-105 (SEQ ID NO: 9), the amino acid sequence at positions 283-302 (SEQ ID NO: 10), the amino acid sequence at positions 335-353 (SEQ ID NO: 11) and the amino acid sequence at positions 370-390 (SEQ ID NO: 12); the amino acid sequence at positions 74-93 of BMP-4 (SEQ ID NO: 13), the amino acid sequence at positions 293-313 (SEQ ID NO: 14), the amino acid sequence at positions 360-379 (SEQ ID NO: 15) and the amino acid sequence at positions 382-402 (SEQ ID NO: 16); the amino acid sequence at positions 91-110 of BMP-6 (SEQ ID NO: 17), the amino acid sequence at positions 397-418 (SEQ ID NO: 18), the amino acid sequence at positions 472-490 (SEQ ID NO: 19) and the amino acid sequence at positions 487-510 (SEQ ID NO: 20); and the amino acid sequence at